



MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOMMEY BRADLEY,

Defendant/Petitioner.

CASE NO. CR06-5705

FINDINGS AND ORDER ACCEPTING  
DEFENDANT FOR DEFERRED  
PROSECUTION, APPROVING  
TREATMENT PLAN, AND DIRECTING  
DEFENDANT TO TAKE TREATMENT  
AS PRESCRIBED

(CLERK'S ACTION REQUIRED)

17 THIS MATTER, coming for hearing this \_\_\_\_ day of \_\_\_\_\_, 2007, upon the  
18 defendant's Petition for Deferred Prosecution; the defendant appearing in person and by his  
19 attorney, Steven J. Krupa, and the United States of America being represented by \_\_\_\_\_  
20 \_\_\_\_\_, Assistant United States Attorney; the Court having examined  
21 and incorporated into the record Petitioner's Petition and Statement in support of deferred  
22 prosecution, the evaluation and treatment report prepared by Lakeside-Milam Recovery  
23 Centers, and the files and records herein, being fully advised in the premises, does now make  
24

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1 and enter the following:

2  
3  
4 **I. FINDINGS OF FACT**

5 A. On or about the 8th day of August, 2006, Petitioner was charged with the  
6 offense/offenses charged in the Information. This offense occurred as a direct result of  
7 alcoholism/chemical dependancy problems;

8 B. Petitioner suffers from an alcohol/drug problem, and is in need of treatment;

9 C. The probability of similar misconduct in the future is great if the problem is not  
10 treated;

11 D. Petitioner is amendable to treatment;

12 E. An effective rehabilitative treatment plan is available to Petitioner through  
13 Lakeside-Milam Recovery Centers, an approved treatment facility as designated by the laws of  
14 the State of Washington, and Petitioner agrees to be liable for all costs of this treatment  
15 program;

16 F. That Petitioner agrees to comply with the terms and conditions of the program  
17 offered by the treatment facility as set forth in the diagnostic evaluation from Lakeside-Milam  
18 Recovery Centers, attached to Statement of Petitioner filed herewith, and that Petitioner agrees  
19 to be liable for all costs of this treatment program;

20 G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and  
21 sufficiency of the facts as contained in the written police report attached to the Statement of  
22 Petitioner filed herewith;

23 H. That Petitioner has acknowledged the admissibility of the stipulated facts in any  
24

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1 criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of  
2 this Order Granting Deferred Prosecution and that these reports will be used to support a  
3 finding of guilt;

4 From the foregoing FINDINGS OF FACT, the court draws the following:

5 **II. CONCLUSIONS OF LAW**

6 A. That the above-entitled Court has jurisdiction over the subject matter and  
7 Petitioner, Tommey Bradley, in this case;

8 B. That Petitioner's Petition for Deferred Prosecution meets the requirements of  
9 RCW 10.05 et seq.;

10 C. That the diagnostic evaluation and commitment to treatment meets the  
11 requirements of RCW 10.05.150;

12 D. That Petitioner is eligible for deferred prosecution.

13 **III. ORDER**

14 Having made and entered the foregoing FINDINGS OF FACT and CONCLUSIONS  
15 OF LAW, it is hereby

16 ORDERED that the defendant is accepted for deferred prosecution. The prosecution of  
17 the above-entitled matter is hereby deferred for five (5) years pursuant to RCW 10.05 et seq.,  
18 upon the following terms and conditions:

19 A. Petitioner shall be on probation for the deferral period and follow the rules and  
20 regulations of probation;

21 B. Petitioner shall enroll in and successfully complete the two-year treatment  
22 program recommended by Lakeside-Milam Recovery Centers according to the terms and  
23 conditions of that plan as outlined in the diagnostic evaluation, a true copy of which is attached  
24

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1 to the Petition and incorporated herein by reference. Petitioner shall not change treatment  
2 agencies without prior Probation approval;

3 C. The treatment facility, Lakeside-Milam Recovery Centers, shall file with the  
4 United States Probation Office status reports of Petitioner's compliance with treatment,  
5 monthly during the first year of the deferred prosecution period, and every three (3) months  
6 during the second year. The Court may increase the frequency of these reports at its discretion;

7 D. Petitioner shall notify U.S. Probation within 72 hours of any residence change.

8 E. Petitioner shall abstain during the deferred prosecution period from any and all  
9 consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

10 F. Petitioner shall not operate a motor vehicle on the public highways without a  
11 valid operator's license and proof of liability insurance sufficient to comply with the state laws  
12 on financial responsibility;

13 G. Petitioner shall be law abiding and shall not commit any alcohol/drug related  
14 offenses or other criminal offenses during the period of deferral;

15 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested ,  
16 questioned, or cited by Law Enforcement;

17 I. In the event that Petitioner fails or neglects to carry out and fulfill any term or  
18 condition of his treatment plan or violates any provision of this Order or any rule or regulation  
19 of his probation officer, upon receiving notice, the Court shall hold a hearing to determine why  
20 Petitioner should not be removed from deferred prosecution and prosecuted for the  
21 offense/offenses charges;

22 J. In the event the Court finds cause to revoke this deferred prosecution, the  
23 stipulated police reports shall be admitted into evidence, and Petitioner shall have his guilt or  
24

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innocence determined by the Court;

K. That the statement of Petitioner for Deferred Prosecution shall remain sealed, and all subsequent reports or documents relating to his treatment information shall be sealed, to maintain confidentiality of Petitioner's treatment information;

L. That the Department of Licensing be notified of this Order accepting the Petitioner for deferred prosecution;

M. Upon proof of Petitioner's successful completion of five years deferral period in this Order, the Court shall dismiss the charges pending against the Petitioner.

N. Additional Conditions: \_\_\_\_\_

DONE IN OPEN COURT this 21<sup>st</sup> day of May, 2007.

Karen L. Strombe  
UNITED STATES MAGISTRATE JUDGE

Presented by:

SM  
Steven J. Krupa  
WSBA #23997  
Attorney for Petitioner

I have received a copy of the foregoing Order for Deferred Prosecution. I have read and understand its contents, and agree to abide by the terms and conditions set forth herein.

Dated: 4-17-07

Tommy P. Roach  
Petitioner

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1 I certify a copy of this signed Order was mailed to the subject treatment facility, on  
2 May 21, 2, 2007. The United States Probation Office was also furnished a  
3 copy of this Order.

4 Wim Briker  
Deputy Clerk

6 UNITED STATES OF AMERICA, )

7 )  
8 Plaintiff, )

CASE NO. CR06-5705

9 v. )

10 TOMMEY BRADLEY, )

11 Defendant/Petitioner. )

12  
13 I hereby acknowledge receipt of the Deferred Prosecution Petition Packet. I understand  
14 that I must comply with the deadlines set forth in the Order Establishing Procedures for  
15 Processing Deferred Prosecution Petitions if I petition for deferred prosecution. If I choose to  
16 petition this Court for deferred prosecution I will execute the paperwork provided to me in the  
17 Deferred Prosecution Petition Packet.

16 Tommy Bradley  
Defendant

4-17-07  
Date

18 STW  
Defense Counsel

4-17-07  
Date

25 Deferred Prosecution- 14

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